

The opinion in support of the decision being entered today is  
*not* binding precedent of the Board

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* GERALD FRANCIS MCBREARTY  
AND JOHNNY MENG-HAN SHIEH

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Appeal 2007-2099  
Application 09/714,725  
Technology Center 2100

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Decided: August 14, 2007

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Before KENNETH W. HAIRSTON, MAHSHID D. SAADAT,  
and JOHN A. JEFFERY, *Administrative Patent Judges*.

SAADAT, *Administrative Patent Judge*.

STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134(a) from the Examiner's Final Rejection of claims 1-21, which are all of the claims pending in this application. We have jurisdiction under 35 U.S.C. § 6(b).

Appellants' invention relates to Web document browsing and enabling the user to backtrack through the documents the user had passed through (Specification 2). Appellants provide for linking a selected sequence of hypertext Web documents into a string and storing the string by creating a

hyperlink in the first document to the first next document as well as in the next document to the subsequent next document (Specification 3).

Independent Claim 1 is representative and reads as follows:

1. In a World Wide Web (Web) communication network with user access via a plurality of data processor controlled interactive receiving display stations for displaying received hypertext documents of at least one display page containing embedded hyperlinks to other hypertext documents accessible from sources on the Web, a system enabling a user to link and store a sequence of selected hypertext documents comprising:

means at a receiving display station for designating a received Web document as a starter document;

means for selecting a subsequently received Web document as a first next document;

means for creating a hyperlink in said starter document to said first next document; and

means for storing said starter and next documents at said receiving display station.

The Examiner relies on the following prior art in rejecting the claims:

Nielsen	US 6,021,435	Feb. 1, 2000
Bauersfeld	US 6,195,679 B1	Feb. 27, 2001
		(filed Jan. 6, 1998)

The Examiner rejected claims 1-4, 6-11, 13-18, 20, and 21 under 35 U.S.C. § 102(e) as anticipated by Bauersfeld and claims 5, 12, and 19 under 35 U.S.C. § 103(a) as being unpatentable over Bauersfeld and Nielsen.

Rather than repeat the arguments here, we make reference to the Briefs and the Answer for the respective positions of the Appellants and the Examiner.

We reverse.

## ISSUE

Appellants and the Examiner disagree as to whether Bauersfeld discloses “means for creating a hyperlink in said starter document to said first next document.” Appellants contend that the “Forward” and “Back” buttons of Bauersfeld are not links in any hypertext documents and merely sequentially move through a sequence of documents (Br. 6). The Examiner contends that since the “Forward” button uses a user-defined path to keep track of each page, it is the same as the claimed hyperlink (Answer 7-8).

The issue, therefore, is whether the Examiner erred in rejecting the claims under 35 U.S.C. §§ 102(e) and 103(a). The issue specifically turns on whether Bauersfeld anticipates Appellants’ claimed invention by disclosing “means for creating a hyperlink in said starter document” as the “Forward” and “Back” buttons depicted in Figures 4-6 of the reference.

## FINDINGS OF FACT

Bauersfeld navigates and records Web browsing sessions by automatically recording all of the Web pages a user visited during a session and organizes them into paths (col. 1, l. 65 through col. 2, l. 3) that are stored in a file and made available to a user for viewing (col. 2, ll. 8-12).

As depicted in Figure 3, the path the user traveled to visit the selected web pages is represented in a tree or search dialogue to the user (col. 3, ll. 23-32).

Bauersfeld further discloses using “Back” and “Forward” buttons 403 and 404 as a way of traversing the current path (Figures 4-6; col. 3, ll. 51-65).

The “Back” and “Forward” buttons are disclosed to be parts of the session history toolbar and used to navigate along any selected path (col. 4, ll. 5-13) along with drop down menus that display items on the current path (col. 4, ll. 19-23).

#### PRINCIPLES OF LAW

A rejection for anticipation requires that the four corners of a single prior art document describe every element of the claimed invention, either expressly or inherently, such that a person of ordinary skill in the art could practice the invention without undue experimentation. *See Atlas Powder Co. v. IRECO, Inc.*, 190 F.3d 1342, 1347, 51 USPQ2d 1943, 1946 (Fed. Cir. 1999); *In re Paulsen*, 30 F.3d 1475, 1478-79, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

#### ANALYSIS

As described above, Bauersfeld’s “Back” and “Forward” buttons are parts of the session history toolbar and sequence through a series of documents along a selected path. As such, as argued by Appellants (Br. 6),

they are not a part of the hypertext document displayed in a session and merely represent buttons permanently fixed in the toolbar.

We also disagree with the Examiner's rationale (Answer 8) that since Bauersfeld's navigating through a series of web documents in a path achieves results that appear somewhat similar to the claimed subject matter, the claimed elements are taught by the reference. As discussed *supra*, the claims require that a hyperlink to the next document be created in the starter document which is not taught by Bauersfeld's "Back" and "Forward" buttons. Therefore, as argued by Appellants (Reply Br. 4), while the results may be equivalent, Bauersfeld does not disclose any of the means and the methods by which these results are achieved.

### CONCLUSION

On the record before us, we find that the Examiner fails to make a *prima facie* case that Bauersfeld anticipates claim 1 or other independent claims which require "creating a hyperlink in said starter document to said first next document." Therefore, in view of our analysis above, the 35 U.S.C. § 102 rejection of claims 1-4, 6-11, 13-18, 20, and 21 as anticipated by Bauersfeld cannot be sustained. Additionally, we do not sustain the 35 U.S.C. § 103 rejection of claims 5, 12, and 19 over Bauersfeld and Nielsen as the Examiner has not identified any teachings in Nielsen to overcome the deficiencies of Bauersfeld discussed above.

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DECISION

The decision of the Examiner rejecting claims 1-4, 6-11, 13-18, 20, and 21 under 35 U.S.C. § 102 and claims 5, 12, and 19 under 35 U.S.C. § 103 is reversed.

REVERSED

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